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Security Council

Sixty-fourth year

Provisional

6097th meeting

Monday, 23 March 2009, 10 a.m.
New York

President:	Mr. Shalgham	(Libyan Arab Jamahiriya)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Jurica
	France	Mr. Ripert
	Japan	Mr. Takasu
	Mexico	Mr. Heller
	Russian Federation	Mr. Churkin
	Turkey	Mr. İlkin
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Bui The Giang

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2009/149)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

09-27620 (E)

The meeting was called to order at 10.45 a.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2009/149)

The President (*spoke in Arabic*): I should like to inform the Council that I have received a letter from the representative of Serbia in which he requests that the President of the Republic of Serbia be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite the President of the Republic of Serbia to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Boris Tadić (Serbia) took a seat at the Council table.

The President (*spoke in Arabic*): On behalf of the Council, I extend a warm welcome to His Excellency Mr. Boris Tadić, President of the Republic of Serbia.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Skender Hyseni.

It is so decided.

I invite His Excellency Mr. Hyseni to take a seat at the Council table.

In accordance with the understanding reached in the course of the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Lamberto Zannier, Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo.

It is so decided.

I invite His Excellency Mr. Zannier to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations. Members of the Council have before them document S/2009/149, which contains the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo.

At this meeting, the Security Council will hear a briefing by Mr. Lamberto Zannier, Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo. I now give him the floor.

Mr. Zannier: The report that the Council has before it today (S/2009/149) details the activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) during the period from 1 November 2008 to 9 March 2009. This has been a very dynamic period for UNMIK and for Kosovo, one rife with challenges and milestones. In general, I am pleased to be able to report to the Council that the situation in Kosovo remained substantially stable in spite of the potential for volatility presented by the developments of the past quarter.

Nevertheless, ethnic tensions persist at several traditional flashpoints, particularly in and around northern Mitrovica, and the past few weeks have seen an alarming escalation of incidents involving the use of firearms and explosive devices. Fortunately, those incidents have so far only resulted in property damage, but there is reason for serious concern. While UNMIK has continued its efforts to mediate between the communities, local community leaders need to make greater efforts to defuse tensions and promote coexistence and reconciliation.

The last time I was before this Council, on 26 November (6025th meeting), the Council issued a presidential statement (S/PRST/2008/44) welcoming the Secretary-General's 24 November report (S/2008/692), which envisaged the deployment of the European Union Rule of Law Mission in Kosovo (EULEX) throughout Kosovo under a status-neutral United Nations umbrella; the reconfiguration of UNMIK's rule of law functions and continuing consultations with all relevant parties on technical

issues of importance for the peaceful coexistence of Kosovo's communities. Accordingly, EULEX assumed full operational responsibility in the rule of law area on 9 December, within the framework of resolution 1244 (1999) and under the overall authority and within the status-neutral framework of the United Nations.

Thanks to the close cooperation with UNMIK and EULEX staff, the deployment of EULEX police throughout Kosovo and the concomitant stand-down of UNMIK police was completed smoothly and efficiently so as to avoid potential conflicts of competencies. On 9 December, as EULEX police deployed throughout Kosovo, they started to exercise their policing functions. EULEX judges, prosecutors and other justice personnel also took on operational responsibilities as of the same date.

As a result of the deployment of EULEX, UNMIK was able to step up its reconfiguration and adjust its structure and profile to allow for an efficient use of resources in the implementation of its mandate in the light of the changed circumstances on the ground. With EULEX having assumed responsibility for the police and justice functions under resolution 1244 (1999), UNMIK will now be able to effectively carry out its reconfigured functions with a much lighter footprint.

Out of a total of 1,288 UNMIK police personnel on the ground at the beginning of December, 49 UNMIK police officers currently remain in Kosovo, handling liaison and external representation functions. There are no longer UNMIK judges or prosecutors exercising functions in Kosovo courts. However, UNMIK staff remains actively involved in supporting the talks regarding the Mitrovica courthouse, which currently continues to operate on a limited basis with EULEX international judges and prosecutors.

As anticipated in the November report of the Secretary-General (S/2008/692), a central element of the reconfigured UNMIK remains the Organization for Security and Cooperation in Europe (OSCE) Mission in Kosovo. After the downsizing of UNMIK in the field, the OSCE, through its extensive field presence, assumed the responsibility for comprehensive monitoring throughout Kosovo. In particular, the OSCE's role in building capacities of local institutions is crucial in contributing to the effective protection of all people living in Kosovo and thus to fostering Kosovo's multi-ethnic character.

I am pleased to report that UNMIK has succeeded in effecting the reconfiguration of its rule of law elements as envisioned in the Secretary-General's November report. Furthermore, following the assumption of operational responsibilities in the rule of law area by EULEX acting under resolution 1244 (1999), by 1 July 2009, UNMIK will have refocused its staff on the tasks set out in the Secretary-General's 12 June report (S/2008/354).

I owe a special debt of gratitude to all of UNMIK's staff — those who will continue to work for UNMIK after the 30 June and, in particular, those whose tenure with UNMIK has ended or will end during the next three months — for the dedication, professionalism and commitment they have demonstrated during their tenure with UNMIK.

A centrepiece of UNMIK's reconfigured role, in line with the Secretary-General's report on Kosovo, has consisted of consultations with the various stakeholders on matters affecting the lives of all of Kosovo's communities.

For instance, during the past three months, UNMIK representatives have met formally and informally with relevant stakeholders to discuss cultural and religious heritage issues. These meetings revealed that, while Pristina and Belgrade have different understandings of the nature of the mechanisms that should serve to protect and preserve the cultural heritage and patrimony of the Serbian Orthodox Church in Kosovo, their objectives largely coincide.

UNMIK has also engaged, together with EULEX, in further technical consultations with other stakeholders on issues related to the functioning of the justice system in northern Kosovo. Opportunities for reintroducing local judges in court proceedings have been identified, beginning, in the first instance, with judges who had been appointed by UNMIK. Positive practical steps have also been registered in the area of policing.

However, while progress is continuing on many fronts, a number of challenges remain.

The process of return of internally displaced persons saw a very sharp decline in the number of voluntary returns by members of minority communities in 2008, with only 664 persons belonging to minority communities returning to Kosovo last year. While the

international community has been fully supportive of the returns process, the role of authorities in Pristina and Belgrade in this respect remains key.

There are still too many missing persons from the conflict. Notwithstanding our continuing efforts, the pace of identifications has considerably slowed over the past few years, from a high of 722 cases in 2005 to 43 cases last year and just one missing person case closed so far this year. Clearly, much more must be done. The Pristina-Belgrade technical dialogue working group on missing persons, chaired by the International Committee of the Red Cross, is one of the very few forums where Pristina's and Belgrade's experts meet regularly face to face in an effort to move a painful and difficult issue forward. However, cooperation must improve, and politics should be put aside with the common goal of fulfilling the right of the families of all missing persons to know the fate of their loved ones.

The issue of electric power supply continues to plague the everyday lives of all of Kosovo's residents. The problem is mainly due to non-payment by many consumers, including wholesale non-payment by the Kosovo Serb community. Recently, in an effort to induce payment, the Kosovo Energy Corporation (KEK) has allowed breakdowns in the electric power supply to go unrepaired for periods of a week or more. Although this policy is affecting all ethnic groups to different degrees, the issue has been politicized, leading to demonstrations by angry residents of Kosovo Serb-inhabited villages, who have recently clashed with the Kosovo Police when protesters tried to block traffic on main thoroughfares. UNMIK and OSCE staff personnel have actively engaged with village leaders, with municipal officials and with KEK to calm the situation and promote dialogue, but a viable and sustainable solution must be found. For this purpose, the Pristina-Belgrade technical dialogue working group on energy, which has largely been dormant for the past two years, should re-engage.

Over the past few weeks, a number of Belgrade officials have been denied entry into Kosovo by the Kosovo authorities. This is an issue that, if left unresolved, is bound to unnecessarily increase tensions. Constructive engagement by all is necessary to address and resolve this matter without delay.

When I first addressed the Security Council in July 2008 (see S/PV.5944), one month after assuming my duties as Special Representative of the Secretary-General for UNMIK, I stated my fervent hope that the path we had taken to ensure the continued effectiveness of UNMIK would allow the United Nations to protect its legacy in Kosovo while adapting to the changing needs on the ground in order to ensure conditions for a peaceful and normal life for all the inhabitants of Kosovo, as required by UNMIK's mandate under resolution 1244 (1999). I am satisfied that UNMIK has managed to recalibrate its structure and profile in line with the new challenges posed by the situation in Kosovo and pleased by the progress that has been made towards advancing the European perspective of the Western Balkans with the deployment of EULEX.

Yet, much remains to be done. The situation in Kosovo has remained relatively peaceful during the past eight months and, while both Pristina and Belgrade have made noteworthy attempts to maintain the peace in the face of potentially destabilizing situations, both have also stopped short of where we need to be in order to feel confident that Kosovo is well and truly launched on the path of lasting peace and prosperity. That goal will only be reached if both Pristina and Belgrade look first of all to the interests of all of Kosovo's communities, and beyond their own legitimate larger political considerations. For its part, counting on the continued support of the Council, UNMIK will carry on working together with Belgrade and Pristina, and with the international community, to ensure that this goal is reached.

The President (*spoke in Arabic*): I thank Mr. Zannier for his briefing.

I now give the floor to His Excellency Mr. Boris Tadić, President of the Republic of Serbia.

Mr. Tadić (*spoke in Serbian; English text provided by the delegation*): I would like to thank you, Mr. President, for having organized this meeting of the Security Council to once again debate the situation in Kosovo and Metohija. I also pleased to acknowledge the presence here of Special Representative of the Secretary-General Lamberto Zannier, with whom I recently had a productive meeting in Belgrade.

Tomorrow, 24 March, will be the tenth anniversary of the start of NATO's bombing of my country. I would like to recall that that tragic event, which lasted a full 78 days, was not undertaken with the approval of this body. During a three-month period in which cities and villages were bombed every day,

2,500 civilians were killed, including 89 children, and 12,500 more were injured. The number of victims does not include those who subsequently succumbed to leukemia and other deadly diseases caused by the depleted-uranium-coated bombs that were dropped on my country.

As a result of 2,300 air strikes throughout Serbia, 148 residential buildings and 62 bridges were destroyed, while 300 schools, hospitals and other public buildings were damaged, as were 176 cultural heritage sites. One third of the country's electrical capacity was destroyed, as were two major oil refineries. According to studies conducted by economists, the direct damage to my nation's economy has been estimated to be approximately $30 billion; the indirect damage was much greater.

We were collectively accused, and then collectively bombed for, as it was then claimed, the expulsion of 800,000 ethnic Albanians from Kosovo and Metohija. A result of that tragic war, which produced an awful catalogue of casualties among the sides and whose end was marked by the establishment of an international administration, was the exodus from the province of more than 200,000 ethnic Serbs and Roma. Secretary-General Ban Ki-moon's report (S/2009/149) includes the sad observation that even today, 10 years later, those people cannot return to their homes.

I would like to underline one further counter-intuitive fact. Serbs were punished 10 years ago with bombs, but 10 years later, in the wake of the mass expulsion of Serbs and the firebombing of their homes and holy sites, Kosovo Albanians have been rewarded by having their illegal declaration of independence recognized by more than 50 countries.

Just as for Serbia the lesson of the tragic military campaign of 1999 is that never again should a situation be created in which its citizens are punished and killed, so must the lesson for the international community be that innocent civilians should never have to pay for a wrongful policy with their lives.

The Republic of Serbia condemns every war crime as a matter of principle and affirms that all accused must be brought to justice. Our principled position is that every indictee is an individual with a particular name and surname and that the doctrine of collective responsibility of nations or States cannot legitimately exist. The recent decisions by the Hague Tribunal against particular individuals in the Kosovo case — involving four former officials of the Federal Republic of Yugoslavia and one Serbian official — demonstrate that the State's collective responsibility, or that of its citizens, does not exist.

It is possible to debate whether the sentences were too harsh, especially in the light of the not-guilty verdict handed down in the case of a leader of the Kosovo Liberation Army, Ramoush Haradinaj. I note that, according to a statement by the then Prosecutor of the Tribunal, witnesses were not only intimidated but also even physically liquidated. However, one thing is certain: specific individuals were convicted for specific crimes. That is precisely the reason why Serbia will continue to fully cooperate with the Hague Tribunal, and why we will keep doing everything in our power to arrest and bring before the Court the two remaining indictees at large, namely, Goran Hadzic and Ratko Mladic.

Today, nine years after the fall of Milosevic, Serbia is a modern European democracy that poses no threat to anyone. The country of which I am President has repeated time and again that joining the European Union is its most important strategic goal. We will continue to be dedicated, as a matter of principle, to resolving outstanding problems exclusively through peaceful dialogue and without recourse to force.

The attempt at secession by ethnic Albanian authorities of our southern province of Kosovo and Metohija that took place on 17 February 2008, nine years after the bombing of Serbia, is a direct violation of the United Nations Charter, the Helsinki Final Act and resolution 1244 (1999). Pristina's unilateral and illegal declaration of independence represents an attempt to forcibly partition a Member State of the United Nations, against its will, and without the consent of the Security Council. Unfortunately, that was supported by a certain number of countries, primarily because of the constant threat of violence if Kosovo's ethnic Albanian community's secessionist demands were not met.

Even today, Serbs in Kosovo have no security, freedom of movement, rule of law, electricity or water. In short, respect for the basic norms of civilization is denied to them. That is why I would like to underline my disagreement with the optimistic views expressed in the report. The aggression committed against the Serbian residents of the village of Silovo is a case in

point. The village was without power for weeks in the middle of winter because of a condition set by authorities in Pristina for the signing of written contracts that would have meant indirect recognition on the part of the residents of the illegal construct known as the Republic of Kosovo. That illustrates how Serbs are the most endangered community in all of civilized Europe.

Let us recall that, in the March 2004 pogrom, more than 50,000 ethnic Albanian extremists participated in an organized campaign of violence in which 19 were killed, 950 were injured and more than 4,000 Serbs were expelled. Additionally, more than 900 buildings were destroyed and 35 Christian churches and monasteries set ablaze, shelled or otherwise destroyed. Many of those structures dated to the fourteenth and sixteenth centuries. Five years later, not a single individual remains behind bars for the organized burning down of a church in Kosovo.

That is why I have called on the United Nations Interim Administration Mission in Kosovo (UNMIK) and the European Union Rule of Law Mission in Kosovo (EULEX) to take the necessary measures to ensure that justice is done for every resident of Kosovo and Metohija, irrespective of ethnicity or religious affiliation. Every crime, especially hate crimes, must be thoroughly investigated and prosecuted. Those accused must be tried before a just and impartial court. We expect the United Nations and European Union peacekeeping missions to establish the rule of law and provide the preconditions for a peaceful life. They must prevent the release of perpetrators as was recently done in the case of one who had been sentenced by UNMIK's court to a 40-year sentence for the terrorist attack of booby-trapping a bus, in which nine Serbs lost their lives.

I would now like to refer to some of the attacks on Kosovo Serbs that have taken place in the past month. Two houses, in which lived returnees to the village of Drsnik, near Klina, were burned to the ground on 14 March. On the same day, shots were fired at the home of Dragoljub Budzevic in the village of Ljug, near Istok. Mr. Budzevic had returned to his village in Kosovo three years ago, together with 45 other Serbs. Before their return, they had lived as internally displaced persons in other parts of Serbia since their expulsion in the summer of 1999. In another part of Kosovo, the village of Silovo, 14 Kosovo Serbs were injured due to the excessive use of force by ethnic Albanian police.

It is obvious to everyone today that, 13 months after the illegal unilateral declaration of independence, Kosovo is no State. There is minimal protection of human rights, as demonstrated by the small number of Kosovo Serbs and other non-Albanian who have returned to the province. Serbia, along with a number of European Union member States, faces tremendous problems arising out of the activities of the ethnic Albanian mafia in Kosovo, which specializes in the trafficking of narcotics, human beings and weapons.

We want to see life return to normal in our southern province. I am convinced that Albanians and Serbs can live side by side. That is why the United Nations and EULEX have to work hard to discharge the mandate in full.

Here and on this occasion, I would like to underline that it is of exceptional importance for UNMIK and EULEX to ensure freedom of movement throughout Kosovo for the democratically chosen officials of the Republic of Serbia. They must not be turned back at the Administrative Boundary Line by the Pristina authorities. Such provocations can only serve to deeply distress the Serbian population of the province.

The legal aspect of the Kosovo case, as we all know, finds itself before the International Court of Justice. The principal judicial organ of the United Nations will provide an advisory opinion on the following question: Is the unilateral declaration of independence by the Provisional Institutions of Self-government of Kosovo in accordance with international law?

I believe that all United Nations Member States should respect the fact that the International Court of Justice will decide the issue and that no one should in any way prejudge its deliberations. Therefore, we expect no encouragement for further recognitions. I call on all United Nations Member States that have not recognized the unilateral declaration of independence to stay the course while the Court conducts its work.

The Republic of Serbia supports new negotiations on Kosovo's future status. That is the only way to find a just compromise and a mutually acceptable solution. Serbia will never recognize the independence of Kosovo, either directly or indirectly, and we will

continue the diplomatic, legal and peaceful defence of our integrity. We are persuaded that the advisory opinion of the International Court of Justice will be immensely useful for the international system in its entirety, because we believe that its answer to the question posed by the General Assembly will prevent the Kosovo issue from serving as a deeply dangerous precedent.

Serbia will remain a good-faith partner to the international community in the interim administration of our southern province. The role of the European Union is of great significance. Now, as a result of the fact that the Security Council has welcomed the November report of the Secretary-General (S/2008/692), in which the mandate of EULEX is clearly defined as fully respecting resolution 1244 (1999) and operating in a strictly status-neutral manner under the auspices of the United Nations, our cooperative partnership with EULEX and UNMIK should continue in order to implement the provisions of the November report, namely, the six points that provide for the continuation of the dialogue with Belgrade.

Serbia has and will continue to contribute constructively and seriously to finding mechanisms to fully implement the six points in the context of the negotiating process. We have made concrete proposals on the issues of the judiciary and the safeguarding of Serbian patrimony in Kosovo. We remain open to further talks with the aim of implementing the six points, in line with resolution 1244 (1999).

What has always been a crucial condition for our acceptance of reconfiguration was a clear and binding commitment by the European Union, confirmed by the Security Council, to be fully status-neutral and to completely anchor its presence in Kosovo under the authority of the United Nations, with full respect for resolution 1244 (1999).

I am pleased that those reasonable conditions have been met. The precisely formulated text of the November 2008 report, welcomed by the Security Council and reaffirmed in the report (S/2009/149) before the Council today, defines the status-neutrality of EULEX's engagement, which is a guarantee that no part of its mandate can be devoted to the implementation of the Ahtisaari plan for Kosovo's independence, which was rejected by the Republic of Serbia and was not endorsed by the Security Council, in the words of a previous report. However, it is of great significance that the implementation of the six points, as well as the full deployment of EULEX, shall be put into operation, notwithstanding the existence of some problems, and that this shall be done in consultation with all relevant stakeholders, most importantly with the Republic of Serbia.

I call on the authorities in Pristina not to obstruct the will of the international community. The Republic of Serbia is ready to continue to cooperate with EULEX in our southern province, because it has been confirmed by the United Nations that EULEX is welcome in Kosovo and Metohija.

I would like to repeat that it is of great significance for us that UNMIK continue its mission and mandate and remain fully and ably present on the ground throughout Kosovo and that its budget not be reduced. Without UNMIK, it would not be possible to fulfil the requirements of either resolution 1244 (1999) or of the Secretary-General's six-point plan. I would like to underscore UNMIK's duty to be part of the Pristina delegation at all international and regional meetings, where it must be identified and heard under the name UNMIK/Kosovo. Serbia will continue to contribute to such cooperation.

I conclude by quoting from the Secretary-General's report: UNMIK must "continue to play a crucial role in maintaining peace and stability on the ground" (*S/2009/149, para. 35*). Serbia will remain a factor for peace and stability, a partner to the international community in seeking a sustainable solution and a country that has its future in the European Union.

The President (*spoke in Arabic*): I thank President Tadić for his statement.

I now give the floor to Mr. Skender Hyseni.

Mr. Hyseni: As always, it is an honour to speak before the Council about my country's achievements. The Republic of Kosovo has continued its steady progress in all areas since my last statement to the Security Council, in November 2008 (see S/PV.6025).

Last month, on 17 February, the people of Kosovo celebrated peacefully and in a very dignified manner the first anniversary of their country's independence. In spite of a grave provocation and challenge to the security situation, incited by a considerable number of members of the parliament of

the Republic of Serbia, who joined some kind of session in Zveçan, the situation remained peaceful and calm during our national day festivities.

Independence day was also an appropriate occasion to look back and to take stock of achievements, progress, key events and developments in Kosovo during one year of its independence. And its achievements are huge. Recognition of Kosovo as an independent and sovereign State has continued. Since my last Security Council address, another four countries around the world have recognized the independence of my country. I wish to extend our profound thanks and appreciation to the peoples and Governments of Panama, Micronesia, Maldives and Palau for supporting the right of the people of Kosovo to freedom and independence.

Internally, since the last Security Council debate on this subject, Kosovo has seen a number of very positive developments. Reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK) has continued, and the European Union's Rule of Law Mission in Kosovo (EULEX) deployed throughout the Republic of Kosovo on 9 December. We greatly welcomed the deployment of EULEX. As EULEX achieves full operational capability, for very practical and pragmatic reasons we request the conclusion of the mission and the mandate of UNMIK. Deployment of EULEX throughout Kosovo is in accordance with the mandate that derives from the Kosovo independence declaration, the Ahtisaari package, the constitution of the Republic of Kosovo, the laws of the Republic of Kosovo, the European Union joint action plan of 4 February 2008 and the invitations of the President of 17 February and 8 August.

Kosovo has also continued its steady progress on other fronts.

In its sessions held on 15 and 16 December, the parliament of Kosovo adopted a number of important laws, including the laws on the Constitutional Court, the Foreign Service and the Consular Service of Diplomatic and Consular Missions of the Republic of Kosovo. In addition to the first already functional embassies, the establishment of another 12 diplomatic missions and nine consular missions of the Republic is well under way.

State institution-building based on European standards has continued with the launching of the Kosovo Security Force in January. With the help of NATO, we are developing our civilian-controlled Security Force. The Kosovo Security Force is of great benefit to our neighbours as well as to our country. It will be a democratically controlled, multi-ethnic, apolitical, NATO-interoperable force focused primarily on emergency response and generally on activities to promote development and regional stability.

Two other very important institutions of the Republic were launched in February. The Kosovo Security Council was established, chaired by the Prime Minister, and the Director of the Kosovo intelligence service was appointed. The Government of the Republic of Kosovo has been working around the clock to address the many issues of the utmost importance to our country, especially in the areas of the economy, justice and security, as well as in the fight against crime, corruption and cross-border criminal activity.

The Government is careful in managing the financial assistance that many nations have given to Kosovo. Substantial improvements in the school and road infrastructure are obvious. Huge progress has been achieved in other areas as well. Our Government has continued to seek ways to improve conditions in minority-community areas, especially in Serb-majority areas.

I have to say, however, that the Republic of Serbia has not been at all helpful in that regard, as it has continued to encourage and support the illegal and criminal structures in the north of Kosovo. Serbia is working actively to prevent Serb citizens of Kosovo from cooperating with institutions that are seeking to protect their rights and to help them solve their problems and improve their lives. The Serbian Government supports illegal parallel structures that exploit our Serb citizens but never deliver appropriate assistance or any solutions to their problems.

The situation in the north remains an issue of the utmost concern. Lawlessness, with evident support of the leadership in Belgrade, has turned that part of Kosovo into a safe haven for all kinds of criminal and illegal economic activities. The institutions of the Republic of Kosovo are committed to cooperating and working very closely with the International Civilian Office and the European Union Rule of Law Mission in Kosovo (EULEX) to restore law and order in the north and to improve the situation and living conditions in Serb-majority areas.

The Republic of Kosovo has made cooperation with all of its neighbours a high priority. Belgrade is trying to impede our cooperation with neighbours and the international community by blocking our participation in regional and wider international bodies. Belgrade is blocking our exports to Serbia. Our Government has refrained from reciprocal measures, which would only hurt people and businesses on both sides. We hope that the Republic of Serbia will appreciate the necessity of joining the efforts of other nations in the Western Balkans to establish an environment of cooperation and understanding in the region, including by normalizing relations with the Republic of Kosovo. My Government stands ready to engage in talks with Serbia, as two independent and sovereign States, on a wide range of issues of mutual interest. Dialogue would help to ease tensions and normalize relations between our two countries.

In the new Kosovo, there will be no room for hatred and violence. Kosovo's institutions are committed to building a multi-ethnic democracy at peace with its neighbours and contributing to regional and global cooperation and stability.

We are committed also to pursuing the goal of full membership in the European Union (EU) as soon as feasible and are implementing the reforms required. The European Commission's conclusion of 5 November 2008 that Kosovo has a clear European perspective in line with the rest of the Western Balkans and that a feasibility study will be presented to advance Kosovo's EU perspective is an encouragement to us to intensify our efforts to meet all necessary requirements. The future of all nations of the Western Balkans lies in European integration, and Kosovo intends to pursue that goal very vigorously.

In attaining all the objectives that I have mentioned, the institutions of the Republic of Kosovo will continue their close cooperation with the European Union, the United States and NATO. Close cooperation with our international partners is indispensable as we implement the Ahtisaari plan and as we work to build a multi-ethnic Kosovo based on democratic values and the highest international standards.

In conclusion, let me emphasize Kosovo's commitment to become a contributing member of the international community. The Republic of Kosovo looks forward to working with all members of the Security Council to promote the shared goals of international peace and safety. Once again, I wish to thank the Council for the opportunity to present the views of the Republic of Kosovo.

The President (*spoke in Arabic*): I thank Mr. Hyseni for his statement.

I shall now give the floor to members of the Council.

Mr. Ripert (France) (*spoke in French*): I should like at the outset to thank Mr. Boris Tadić, President of the Republic of Serbia, and Mr. Skender Hyseni, Minister for Foreign Affairs of the Republic of Kosovo, for their presence. We listened very attentively to both of them. I should also like to commend the activities of the Special Representative of the Secretary-General, Mr. Lamberto Zannier, and his team, who have effectively and pragmatically implemented the reconfiguration of the international presence decided upon by the Secretary-General with the support of the Security Council.

Last month, Kosovo celebrated the first anniversary of its declaration of independence. Today's Security Council meeting is the occasion for a first assessment, which we regard as mostly positive. As we had hoped, independence has helped to ease tensions within Kosovo and in the Balkans, and Kosovo's new authorities have displayed responsibility and honoured their commitments. The establishment of a constitution that conforms to European standards and values and the adoption of a law promoting the participation of minorities are both important steps towards a rule of law that serves all communities, with the support of, inter alia, the European Union Rule of Law Mission in Kosovo (EULEX). The increasing number of States, including States of the region, that have recognized Kosovo are contributing to the new State's emergence on the international scene and to the stability of the Balkans. This first anniversary attests to the path traversed by Kosovo and the region; it should also be an encouragement to continue. The building of the rule of law must continue.

The reorganization of the international presence is being carried out in favourable conditions. The European Union is providing essential support with the deployment of the EULEX mission, which is assisting in the establishment of institutions and the rule of law in Kosovo. EULEX is operating within the framework of resolution 1244 (1999) under overall United Nations authority. Through the deployment of EULEX and the

appointment of a Special Representative, the European Union is seeking to contribute to the building of a democratic and multi-ethnic Kosovo. Protecting minorities' rights is a priority for EULEX, which will endeavour to fully implement the agreements signed by Kosovar authorities in this area.

As EULEX has been deployed, the inhabitants of Kosovo progressively realized that, in spite of the negative propaganda of some extremist groups, the European Mission's efforts were benefiting the entire population and every community. However, we have noted with concern the recent attacks against EULEX, which seem to be perpetrated by individuals with ties to criminal networks seeking to preserve the conditions that enable them to act with impunity.

The Secretary-General believed that the reconfiguration of the international presence should be included in the dialogue involving all concerned parties. This dialogue is essential to ensuring the stability of Kosovo and the region. That is why, over recent months, the European Union has pursued and intensified the dialogue, addressing first of all, of course, the Kosovo authorities and communities, as well as neighbouring countries.

Serbia is an essential stakeholder among those countries, and its cooperation is indispensable to the success of EULEX. It is in this spirit that the EULEX Head of Mission, Mr. De Kermabon, has just arrived in Belgrade. We welcome the fact that he thus has an opportunity to seek out practical solutions to the concrete problems that arise, for example, in terms of customs and legal cooperation.

We have taken note of the positions expressed by President Tadić, and I would note above all his strong reaffirmation of the will of the Serbian Government to join the European Union, which would be an important factor in stabilizing the entire Balkan region. By supporting the initiatives of the European Union to contribute to the peace and stability of the region, the Serbian authorities are participating in the efforts to laying the groundwork for a shared European future for the western Balkans.

We also listened closely to Mr. Hyseni. The rule of law, the wish to build a multi-ethnic State that respects minorities, the desire to have friendly relations with Kosovo's neighbours and the pro-European commitment of the Kosovo authorities are major commitments that we should welcome.

Beyond the persistent differences of opinion expressed by President Tadić and Minister Hyseni, we note with satisfaction their common wish to preserve stability in the region and safeguard the conditions necessary to a shared future within Europe. We therefore encourage Belgrade and Pristina to renew direct dialogue as soon as possible.

The European Union is fully conscious of its responsibilities in overcoming the obstacles on the path towards a stable and prosperous future for the western Balkans. It is in this spirit that we will strive for progress in the coming months on the path of a shared future for the Serb and Kosovar people in the European Union.

Mr. Mayr-Harting (Austria): We appreciate the presence of President Boris Tadić of Serbia and thank him for his speech. We are also very grateful for the opportunity to listen to the views of Mr. Skender Hyseni, Foreign Minister of the Republic of Kosovo. Allow me to also express our deep appreciation for the work of Mr. Lamberto Zannier, Special Representative of the Secretary-General, and for his ongoing efforts to facilitate dialogue among all actors in a period of change and adaptation. In this regard, we also welcome the report of the Secretary-General before us today (S/2009/149).

The meeting of the Council in November last year paved the way for the reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK) and an enhanced United Nations engagement. Since then, we witnessed the successful deployment of the European Union Rule of Law Mission in Kosovo (EULEX) throughout Kosovo on 9 December. The first EULEX report before us today bears witness to this success.

We are content to see that, due in part to the constructive attitude of Serbia in cooperating with EULEX, the Mission has already been able to make an important contribution helping the authorities of Kosovo in forming a multi-ethnic State based on the principles of democracy and the rule of law. We are convinced that the recent establishment of an European Union (EU) liaison office in Belgrade will further facilitate and strengthen this cooperation.

We believe that Kosovo has made significant progress over the past year. In continuously implementing the Ahtisaari proposals and the new Constitution, the Kosovo authorities have laid the

foundations for a stable, democratic and multi-ethnic State. We encourage all ethnic groups to actively participate in the structures of Kosovo and so ensure that multi-ethnicity becomes an integral part of everyday life.

Austria has made continuous efforts to foster peace and stability in the western Balkans by bringing together all sides in dialogue. In 2005 and 2006, we organized two seminars that were instrumental in designing a law on the status and the protection of religious communities in Kosovo, and we were glad to host the Office of the Special Envoy of the Secretary-General for the future status process for Kosovo in Vienna and to actively support its efforts.

Austria also contributes some 650 troops to the International Security Force in Kosovo (KFOR). Ours is thus the biggest non-NATO contingent in KFOR, and we currently exercise command over the KFOR Multinational Task Force South. Furthermore, we provide 27 police officers, judges and prison officers to EULEX. We believe that the core responsibility of the international community in Kosovo is the protection of all ethnic groups, in particular minorities.

Austria is concerned about reports of inter-ethnic violence in the Mitrovica region and warmly welcomes the agreement of the police commanders of both parts of Mitrovica to organize joint police patrols. This could be an essential element in securing peace and stability. We also deplore the fact that the number of voluntary minority returns has declined compared to 2006 and 2007, and we express our hope that Kosovo's recently launched return project and the survey of internally displaced persons from Kosovo, to be conducted by Serbia together with the Office of the United Nations High Commissioner for Refugees, will prove to be effective and facilitate returns to Kosovo.

We share the Secretary-General's observation that the efforts of all sides, with the support of the international community, need to continue to further implement the temporary arrangements laid out in his most recent report. We are convinced that pragmatism and a sense of responsibility will lead to tangible results in finding solutions to the outstanding practical issues. Bridging these differences and coming to a productive working relationship will benefit all people in the region.

The Organization for Security and Cooperation in Europe (OSCE) continues to play a crucial role in Kosovo, and it has our full support. Under the leadership of Ambassador Almhofer, the OSCE mission in Kosovo fulfils an important role in guaranteeing a democratic and multi-ethnic future for Kosovo, in particular in building and monitoring Kosovo's democratic institutions and its support for human rights and for the preservation of minority rights. The stability in the Balkans is a goal shared by the United Nations, the European Union and the OSCE. We are looking forward to continued OSCE engagement there.

Although it has been said many times before, allow me to stress that: the future of all the peoples of the western Balkans, including Serbia and Kosovo, lies in the European Union. This is a perspective to which my country has always been committed, and the realization of this perspective, in our view, offers the best long- and medium-term chance to find lasting solutions to many of the problems that we are discussing today. The European Council has reiterated this perspective a number of times, and EU member States fully support it. Austria is convinced that a very large majority of the inhabitants of Serbia and of Kosovo clearly see the benefits of European integration for their futures and the future of their families and their countries. Austria will continue to strive to achieve this goal.

Ms. Pierce (United Kingdom): I wish to add the United Kingdom's voice of welcome to those of Security Council colleagues to the Secretary-General's Special Representative, Mr. Zannier, to President Tadić of Serbia, and to the Foreign Minister of Kosovo, Mr. Skender Hyseni, over a year after Kosovo became independent. I would also like to express our thanks to the Secretary-General for his comprehensive report on Kosovo over the period during which Kosovo passed its first anniversary as an independent State (S/2009/149).

As we have heard this morning, there have been several positive developments over the period. The Government of Kosovo has continued to establish the legal and administrative apparatus of the State, in line with Kosovo's Constitution. They are preparing to devolve some government competencies to local municipalities, including Kosovo Serb municipalities, and to establish new municipalities. These will help to protect the interests of all of Kosovo's minority communities.

The European Union Rule of Law Mission in Kosovo (EULEX) has taken up its mandate and is progressing towards full operational capacity. It is fulfilling its tasks of mentoring, monitoring and advising Kosovo's Police, judiciary and Customs, and that is helping to maintain law and order. That is essential to allow all of Kosovo's citizens to pursue their daily business. EULEX has also encouraged the establishment of an ethnically mixed Kosovo Police unit in northern Mitrovica. EULEX has helped to ensure an effective response by the Police to the few instances of criminal and inter-ethnic violence that have occurred, ensuring their quick suppression.

We welcome the start of the technical dialogue between EULEX and Belgrade over the transitional arrangements set out in the Secretary-General's November 2008 report to the Council (S/2008/692), and we urge the Governments of Serbia and Kosovo to engage constructively with EULEX over the implementation of those arrangements and to promote the benefits of positive engagement to all of Kosovo's communities.

The Kosovo Security Force has been established and the Kosovo Protection Corps has stood down, in line with commitments made with the Kosovo Government and the international community. The Kosovo Security Force will provide Kosovo with an appropriately sized, lightly armed, multi-ethnic and civilian-led internal security and civil protection capability. I would like to repeat once again that the Kosovo Security Force does not constitute any sort of threat to any of Kosovo's neighbours.

Progress on returns, property, adjudication and reconstruction of cultural and religious heritage sites has continued. The European Union (EU) remains committed to fostering the European perspective of Kosovo in the context of the Stabilization and Association Process and to encouraging Kosovo's full involvement in regional initiatives and international forums in a constructive manner.

For anyone's European perspective to be advanced, we need an even greater acceleration from the Kosovo Government, especially with regard to the rule of law and to returns, property and the reconstruction of the religious and cultural heritage sites. We need greater outreach to all communities. It must be visibly clear and practically demonstrated that all citizens of Kosovo will be treated equally. They deserve access to its services on an equal basis, and we look to the Kosovo Government to give us such assurances.

We heard a number of statements this morning from President Tadić with which my Government does not agree. For example, we do not accept his description of the remit of the EU mission in Kosovo. With regard to the tenth anniversary of the NATO bombing of Serbia, I think we should spend a moment reflecting on why that was necessary. That NATO action was an intervention to avert an overwhelming humanitarian catastrophe in Kosovo. When an attempt was made at the United Nations to condemn NATO's action, only three countries voted in favour of condemnation. Serbia ignored several Chapter VII Security Council resolutions to negotiate and to cease its repression. That repression saw the Racak massacre, 800,000 people expelled and 10,000 people killed, according to United Nations figures. It does Serbia no credit to ignore those facts from 1998 and 1999.

That is not to belittle subsequent violence. The United Kingdom unreservedly condemns what happened to Kosovo's Serb communities in 2004. I have been to Obilić and have seen the Kosovo Serbs who were driven from their homes. But there is a world of difference between those acts of violence in 2004 and the deliberate policies of the then Serbian Government towards Kosovo Albanians in 1998 and 1999. We do not hold the present Government of Serbia — still less President Tadić — responsible for those events. But the Government does have a responsibility to educate their citizens about the crimes committed in Serbia's name by Milosevic and others indicted by the Hague Tribunal.

My Government's position on the independence of Kosovo is well known. Kosovo's independence is a fact. It is irreversible, and recognitions are continuing. We want to see both Kosovo and Serbia enter the European Union as neighbours on good terms with each other and with the rest of the European Union. We welcome the statement by President Tadić today that joining the EU is Serbia's strategic goal. We will do everything we can to help Serbia realize that goal.

But it is worth recalling that the route to Europe lies through reconciliation, not retribution. It lies in acknowledging and overcoming the past and moving on.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We are grateful to the Special Representative of the Secretary-General in Kosovo, Mr. Zannier, for his presentation of the Secretary-General's report on the United Nations Interim Administration Mission in Kosovo (UNMIK) (S/2009/149). The Russian Federation has carefully analyzed this document. We welcome the participation in today's meeting of the President of Serbia, Mr. Tadić. We are grateful for his assessments, and we share them.

We have also listened to the statement of Mr. Hyseni, although it is not objective. Attempts to accuse Belgrade in all the problems facing Kosovo just underline the need to reintegrate the country into Serbia.

Today's meeting coincides with a number of tragic anniversaries in Kosovo's history. First and foremost, it is ten years since the start of NATO's bombardment of Yugoslavia, which was undertaken without the sanction of the Security Council. Our British colleague gave us a very detailed presentation of the history of events, but it was selective in nature. For example, nothing was said regarding the terrorist activities of the so-called Kosovo Liberation Army, which carried out activities over ten years and led to the tragic events of March 1999.

During the 78-day bombardment, it was mainly civilian facilities that were destroyed — power plants, bridges, other pieces of infrastructure. The Belgrade television station was bombed merely because it had made the wrong interpretation of the situation; it was not enraptured at the destruction of its own country. A passenger train was attacked for no known reasons. The outcome was hundreds of civilian deaths.

It was during the period of NATO bombardment that the world spoke of a humanitarian disaster. The political consequence was a marked decline of the image of that regional organization in the eyes of the international community, and I am referring to the North Atlantic alliance. Even worse, it shook the very foundation of international law. It provided a strong push to Kosovar separatism.

Bloodshed was ended only as a result of painstaking diplomatic efforts, substantially as a result of Russia's involvement. The Security Council adopted the well-known resolution 1244 (1999), which remains fully in force. According to it, the Special Representative of the Secretary-General and the United Nations Mission in Kosovo, which he heads, should continue to discharge their mandated functions, including ensuring the rights and security of national minorities and achieving in the country the democratic standards established by the international community.

In this regard, we cannot overlook another sorrowful date: the fifth anniversary of the anti-Serb pogroms in Kosovo that represented a brazen attempt to expel the Serb population and eradicate its cultural and religious heritage. As a result, thousands of Serbs became refugees and many Orthodox monasteries and churches, some under UNESCO protection, were destroyed.

It is legitimate to recall these events in the light of the recent scandalous ruling of the judges of the European Court of Appeals, which freed a Kosovo Albanian terrorist who had been sentenced by an UNMIK court in June 2008 to 40 years in prison for blowing up a bus in 2001. The judges considered either that the evidence and testimony of witnesses were insufficient, or that there were not enough bodies. Eleven people died and 22 were injured in the incident. We will demand information from the European presence and the UNMIK leadership regarding the measures that have been taken to punish those guilty of that terrorist act.

Regrettably, United Nations demands that the Kosovo Albanian authorities begin guaranteeing the rights and security of Serbs remain unimplemented in practice. The priority concern for standards for minorities has been proactively replaced by priority concern for the status of the province. Kosovo's unilateral declaration of independence and the support it enjoyed from a group of States were a reward for extremism that, like it or not, set a very dangerous precedent.

The year that has elapsed since Kosovo's unilateral declaration of independence has confirmed our concerns. It is clear that it will not be easy to extricate the province from its socio-economic collapse, but quasi-statehood has only exacerbated the problems. Unemployment is rising, economic indicators are stagnant, the province's internal integration links have been torn to shreds, and the social sphere remains a disaster. What is flourishing are lawlessness and criminals; the struggle for power has led to clan frictions and radicals are again raising their heads.

It is especially lamentable that the task of strengthening Kosovo's multi-ethnic nature has been consigned to oblivion. Despite the implementation of so-called democratic laws, in practice the rights and security of Serbs and other national communities in the province are ignored. As a result, the number of returning Kosovo Serb refugees has decreased from that of previous years. This fact is reflected in the Secretary-General's report. Unfortunately, however, the report is silent on the reasons behind this phenomenon, principal among which is the obvious lack of the most basic security conditions.

The only possibility of redressing the situation is to keep UNMIK in Kosovo and, under its aegis and within the framework of resolution 1244 (1999), to reorganize the activities of the Organization for Security and Cooperation in Europe, European Union and NATO presences. To that end, UNMIK must retain not only its coordination and political, but also its administrative functions. That objective will be achieved only if the Security Council retains control of the situation in the province through dialogue between Belgrade and the United Nations.

We welcome the ongoing consultations between Belgrade and the United Nations on six technical issues to ensure the viability of the Serb community in the province. It needs to be said that this topic is not reflected comprehensively enough in the Secretary-General's report. No one expected a rapid breakthrough, but the mere resumption and constructive development of dialogue are worthy of support. The negotiations clearly enjoy good prospects, including on the most complex topics, such customs and courts. It is important to pursue dialogue between Belgrade and the United Nations to protect the Serb cultural and religious heritage in the province.

We have found an acceptable formula for involvement in the consultations of the European Union Rule of Law Mission in Kosovo (EULEX) under United Nations auspices. At the same time, the nature of EULEX's practical activities is far from being status-neutral, in contradiction of the provisions of the Secretary-General's report of November 2008, which was endorsed by the Security Council. Incidentally, the EULEX report, contained in annex I of the report before us, contains not one reference to the fact that it is acting on a status-neutral basis.

We will continue carefully to ensure that the Security Council plays the leading role in Kosovo's affairs on the basis of compliance with existing norms of international law, the United Nations Charter and the decisions of this Council.

Mr. Takasu (Japan): I should like to start by thanking Special Representative Lamberto Zannier for his comprehensive briefing this morning. I also welcome the presence of the very high-level Serbian delegation, led by His Excellency President Tadić. We are also grateful to Foreign Minister Hyseni of Kosovo for his statement.

Thirteen months have passed since the declaration of independence by the Republic of Kosovo. In our view, the situation in the region since then has been calm and stable. We welcome the fact that Kosovo has built its national institutions, ministries and agencies under the Constitution. We hope that Kosovo will continue to strengthen its ownership and governance capabilities.

The security situation in Kosovo has been generally stable, although sporadic incidents arising from ethnic discord have been noted in certain areas. We recognize that this success is largely due to the support of the United Nations Interim Administration Mission in Kosovo (UNMIK), the European Union Rule of Law Mission in Kosovo (EULEX) and the Kosovo Force (KFOR). In particular, it is important that EULEX has begun its deployment and expanded its presence successfully throughout Kosovo.

We also welcome the fact that KFOR is continuing its operations to maintain security in Kosovo. Japan highly values cooperation among the United Nations, the European Union, Serbia and Kosovo, including the adoption of the presidential statement of 26 November 2008 (S/PRST/2008/44). We need to support Kosovo in the area of rule of law, including police and customs. Such support is essential to developing Kosovo as a multi-ethnic and democratic State and to promoting its economic development. Japan urges all parties in Kosovo, including the Kosovo Serbs, to cooperate fully with EULEX. We should consider carefully the future role and size of UNMIK in the light of progress made in State-building in Kosovo and the deployment of EULEX.

I should like to stress the importance of an early commencement of dialogue on the six items. Only through direct dialogue among the parties concerned

can mutual interests be ensured and equitable solutions found to outstanding issues, such as the protection of the human rights of minorities, the normalization of trade and transportation with Kosovo's neighbours, and economic development. All international actors on the ground should support UNMIK-led dialogue between Belgrade and Pristina. In that connection, we are concerned about the decrease, as noted in the Secretary-General's report (S/2009/149), in voluntary returns of minorities and about Serbia's refusal to allow products carrying a Kosovo "certificate of origin" stamp to enter or transit through Serbia.

Public services should be provided to all populations without discrimination. Inadequate protection of human rights and limited economic opportunities for minorities will hinder stable development in Kosovo and neighbouring countries. Kosovo is a test case for proving the validity of the human security approach to providing every individual, irrespective of religion or ethnicity, with freedom from fear and from want. Japan has been active in addressing various threats to people in Kosovo, and the western Balkans as a whole, through the United Nations Trust Fund for Human Security. We have provided assistance totalling $200 million to Kosovo for its humanitarian economic needs. All projects are intended to enhance multi-ethnic coexistence, reconciliation and sustainable development in the region. Japan decided recently to extend an additional $3 million for a multisectoral initiative for community stabilization in northern Kosovo in order to expand economic opportunity and human rights protection for minority peoples there. Japan will continue to assist Kosovo to achieve socio-economic stability through bilateral and multilateral channels, taking into account its specific needs.

The development of Kosovo's multi-ethnic and democratic State will contribute to the stability of the entire region. We have established diplomatic relations, and it is our attention to continue to strengthen cooperative relations with Kosovo, as well as long-standing friendly relations with Serbia.

Mr. Rugunda (Uganda): I wish to welcome Mr. Boris Tadić, President of the Republic of Serbia, to this debate and to thank him for his statement. I also thank the Special Representative of the Secretary-General and head of the United Nations Interim Administration Mission in Kosovo (UNMIK), Mr. Lamberto Zannier, for his briefing on the situation in Kosovo. I also thank Mr. Hyseni for his statement.

We have noted the successes scored so far in the UNMIK reconfiguration process and the eventual process of drawing down UNMIK forces, as recommended by the Secretary-General in his previous reports. But we have also noted the challenges the Mission faces in fulfilling its mandate as envisaged in resolution 1244 (1999). All efforts need to be undertaken to ensure that the deployment of the European Union Rule of Law Mission in Kosovo (EULEX) goes forward smoothly.

It is encouraging to note that, in line with the statement by the President of the Security Council of 26 November (S/PRST/2008/44), EULEX has assumed full operational responsibility in the area of rule of law within the framework of resolution 1244 (1999) and under the overall authority of the United Nations. In that regard, the acceptance of the deployment of EULEX by the Government of Serbia and the cooperation between UNMIK police and EULEX are encouraging.

My delegation appreciates the efforts made by the Government of Serbia and the Kosovo authorities in maintaining a working relationship with the Special Representative of the Secretary-General. We are, however, concerned that, as pointed out in the report (S/2009/149), the new laws passed by the Kosovo authorities make no reference to the powers of the Secretary-General's Special Representative. This further increases the challenge to the functioning of UNMIK. We therefore call upon both parties to offer unhindered and full cooperation to UNMIK in order to enable it to fulfil its mandate as envisaged in resolution 1244 (1999).

Uganda commends UNMIK's continued efforts in working towards the advancement of regional stability and prosperity, in close coordination and cooperation with the Organization for Security and Cooperation in Europe and the authorities in Pristina and Belgrade. We commend them for the proactive steps that have been taken to facilitate dialogue between Pristina and Belgrade. In that regard, we note that the best possible option for addressing the Kosovo issue is for both parties to pursue pacific methods characterized by continued engagement, mutual respect during the negotiations, and inter-party dialogue. We therefore

call upon both parties to abide by and respect the provisions of resolution 1244 (1999).

Although it appears that the overall security situation in Kosovo during the reporting period remained stable, Uganda is particularly concerned about the incidents of inter-ethnic violence involving Kosovo Serbs and Kosovo Albanians in the region of Mitrovica. We call upon both parties to exercise restraint, mutual respect and tolerance in order to harmoniously live together in the interest of peace. We salute the prompt intervention of UNMIK formed police units and the efforts they have made to improve security in the region, which will in the long term provide the stability needed for the next phase of post-conflict reconstruction.

Finally, we urge the Security Council and the international community to continue to lend the necessary support to UNMIK, which is critical to ensuring that the Mission is successful in implementing its reconfiguration and that it continues to play a positive role in maintaining peace and stability on the ground.

Mr. Jurica (Croatia): Permit me to welcome to the Chamber the President of Serbia, His Excellency Mr. Boris Tadić, and the Foreign Minister of the Republic of Kosovo, His Excellency Mr. Skender Hyseni, and to thank them for their statements. I would like also to welcome the Special Representative of the Secretary-General, Mr. Lamberto Zannier, and to thank him for his update.

During this reporting period, Europe's youngest State, Kosovo, celebrated its first anniversary. Today, a year after proclaiming its independence, Kosovo is at peace. The Republic of Kosovo is steadily making headway in the international arena. Kosovo's parliament continues to pass necessary laws on the basis of the constitution of the Republic of Kosovo, and its Government is increasingly proving its capacity to deliver to its citizens. We welcome also the progressive building of State institutions in Kosovo.

The European Union Rule of Law Mission in Kosovo (EULEX) has been deploying efficiently, for which we commend its leadership and its contributing countries. EULEX is reaching its full operational capacity and will bring the expertise needed by the Kosovo Government and its people to implement the reforms that will bring Kosovo closer into line with European Union standards. That attains a dual goal. It is to the benefit of all of Kosovo's people and communities and, secondly, it begins the process required for Kosovo's desired European Union integration.

In his report (S/2009/149), the Secretary-General describes the security situation as stable and without major security incidents, and he appropriate lists both Pristina and Belgrade, together with all international stakeholders, as deserving praise for this.

We believe that the only realistic way in which the Serb community in Kosovo can protect its rights in a sustainable way is through direct participation in the political process, by claiming its allocated spots in the Kosovo legislature and in the police and judiciary, and through the use of other mechanisms that have been set up with that goal in mind and that are in line with Kosovo's constitution and other laws. As many here will remember, one of the main preconditions for Kosovo's international recognition by many of the world's leading democracies one year ago was that its constitution and other laws address that very issue. We call upon the Serb community in Kosovo to make full use of all the constitutional guarantees provided for the, for their own benefit and for the benefit of Kosovo as a whole.

Kosovo's second year should bring a continuation of its integration into international financial institutions and trade associations, which would make it possible to attract investment and improve the business climate. We also hope that Kosovo's second year will allow the remainder of Kosovo Serbs and members of other non-Albanian communities to fully realize their civic and democratic rights and use them to pursue a political dialogue to improve the position of their respective communities throughout Kosovo.

Finally, I would like to reiterate once again that Croatia stands ready to offer its help, knowledge and expertise with regard to the process of integration into the European Union to Serbia, Kosovo and other countries in South-East Europe. We keenly look forward to their advancement on the Euro-Atlantic integration path.

Mr. Heller (Mexico) (*spoke in Spanish*): I wish at the outset to welcome the presence here today of His Excellency Mr. Boris Tadić, President of the Republic of Serbia, and to thank him for his statement. I also thank the Special Representative of the Secretary-General, Mr. Lamberto Zannier, for introducing the

report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (UNMIK) (S/2009/149). We are also grateful to Mr. Skender Hyseni for his statement.

A definitive solution to the issue of Kosovo is essential in order to achieve stability in the Balkan region.

My delegation is pleased that the report of the Secretary-General reports on progress made in the deployment of the European Union Rule of Law Mission in Kosovo (EULEX) and the consequent reconfiguration of UNMIK under resolution 1244 (1999). We believe it important that the reconfiguration of UNMIK and the activation of EULEX — especially the transfer of police, justice and customs functions — have taken place successfully and without major incidents. The cooperation and coordination of both missions is a good example of cooperation between the United Nations and the European Union.

Although the security environment in Kosovo has remained stable, tensions, including incidents of violence between communities in the region, remain cause for concern. Therefore it is important that, despite continuing difficulties on the ground, UNMIK should be able to appropriately carry out the mandate conferred upon it by the Security Council. We call on all parties to fully cooperate with the mission.

Security Council resolution 1244 (1999) is the legal framework for the search for a solution to the situation of Kosovo, and the United Nations should be the competent forum in which to achieve a definitive, long-term resolution. Mexico has been a firm and constant promoter of the principles of justice and international law enshrined in the Charter of the United Nations, as well as of the International Court of Justice as the jurisdictional body, par excellence for peacefully settling differences arising from interpretations of international law. In that context, we await the Court's advisory opinion on Kosovo requested by the General Assembly during its sixty-third session.

We express our hope that peace can be safeguarded and stability consolidated so that Kosovo and the Balkans region in general can move towards a more stable, more prosperous future as an integral part of Europe.

Although there are positive developments in the area of the rule of law, it should be applied uniformly throughout Kosovo, in particular with regard to access to justice without discrimination based on ethnicity or location. Those principles should be the basis of a fair and inclusive justice system that properly addresses civil and penal issues, as well as police activities.

Moreover, other measures should be taken in areas such as secure conditions of return for refugees and internally displaced persons, the processes of reconciliation and the integration of communities, protection of heritage and the promotion of socio-economic development.

Mexico believes it essential that the Security Council continue supporting UNMIK in order to facilitate dialogue between parties on issues of mutual interest, bearing in mind regional stability and in coordination with the European Union, the Organization for Security and Cooperation in Europe and the NATO force in Kosovo.

For its part, UNMIK should strengthen the mechanisms for settling disputes between parties with a view to guaranteeing the political, economic and social development of the people of Kosovo, stressing in particular respect for the human rights of minorities.

Mr. İlkin (Turkey): Allow me to extend a warm welcome to His Excellency Mr. Boris Tadić, President of the Republic of Serbia, and His Excellency Mr. Skender Hyseni, Minister for Foreign Affairs of Kosovo. My delegation is happy to welcome both of them, as well as the Minister for Foreign Affairs of Serbia, with us today.

I would like to thank Mr. Zannier for his informative and comprehensive briefing. We greatly appreciate his efforts and would particularly like to acknowledge and express our appreciation for the past and current role of the United Nations Interim Administration Mission in Kosovo (UNMIK) in ensuring peace and stability in Kosovo. Welcoming the deployment of the European Union Rule of Law Mission in Kosovo (EULEX) throughout Kosovo, we support the efforts of the Special Representative to reconfigure UNMIK to adapt it to the current circumstances and to the proposals of the Secretary-General on its future tasks. We have actively participated in UNMIK and continue to contribute to the Kosovo Force, and we are now providing police officers to EULEX. We have continued to do all that we can to assist both UNMIK and EULEX.

We are encouraged that the overall situation in Kosovo is stable and that there is progress towards consolidation of its statehood. We fully support that process and remain ready to further contribute in any way that we can. We note that while there are certain concerns, there have also been positive developments in the areas of community issues, returns, property, and cultural and religious heritage. We look forward to further progress on those issues.

Harmonious inter-ethnic relations are imperative for Kosovo to be a viable, multi-ethnic democratic State. That is of particular importance when the complexity of the political atmosphere in the Balkans still requires our close attention. Any major challenge to stability in one place could be contagious. The independence of Kosovo should also be seen in the framework of lasting peace, stability and prosperity in the entire region. It was the end result of a long and unique process, and it is irreversible. That being the case, the assistance given to Kosovo in its efforts to integrate with the international community and institutions should be further encouraged and strengthened.

I must also underline that a democratic and prosperous Serbia at peace with all of its neighbours is crucial for regional stability and cooperation. Serbia should not be isolated from Europe in any way. The international community should continue to encourage and to help Serbia in its efforts to integrate with the European and Euro-Atlantic structures.

As for Turkey, we are determined to carry forward our good and mutually beneficial relations with Serbia. Being very much a part of the Balkans, we are committed to working with all of our partners towards ensuring a safe, stable and prosperous future for the region. That is one of the top priorities of our foreign policy.

Mr. Kafando (Burkina Faso) (*spoke in French*): At the outset, I wish to welcome Mr. Boris Tadić, President of the Republic of Serbia, and Mr. Skender Hyseni, Minister for Foreign Affairs of Kosovo. I thank them for their important contributions, and Mr. Lamberto Zannier, Special Representative of the Secretary-General for his briefing.

What emerges from all that we have heard this morning, and especially from the report of the Secretary-General, is that the overall situation a year after the independence of Kosovo has remained stable at the political as well as the security levels, although a number of minor incidents persist, in particular in the northern part of the territory.

We welcome the efforts of the Kosovo authorities in the field of nation-building, as well as the determination they have shown to build a stable Kosovo that is fully integrated in the European Union. As noted, the issue of the status of Kosovo remains at the heart of those problems, and unfortunately there has been no sign of compromise, as demonstrated by the fierce opposition to the setting up of the International Civilian Office, as provided for by the comprehensive proposal for resolving the issue.

With regard to that fundamental problem, Belgrade and Pristina must continue the political dialogue to arrive at a peaceful and mutually acceptable solution. We also urge the two communities involved to facilitate in good faith the integration process under way, and we encourage the United Nations to further develop activities aimed at freedom of movement and the intermingling of communities. We should also further encourage and develop opportunities for cooperation at the regional level in the fields of culture and education in order to promote long-term reconciliation between peoples and hopefully rebuild the region on the basis of common European values.

We welcome the progress achieved in the reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK). We thank it and all its partners for their efforts despite the difficulties faced, and we remain convinced that it will continue to spare no effort to contribute to the prosperity of Kosovo in conformity with resolution 1244 (1999).

We also welcome UNMIK's efforts to ensure that Kosovo participates in international and regional economic initiatives, inter alia, regional transport meetings, activities in the framework of the Regional Cooperation Council, and the administration of customs services. We welcome the progressive assumption by the European Rule of Law Mission in Kosovo of operational functions in the field of the rule of law, particularly with the assent of Pristina and Belgrade.

We have already stated and would like to reiterate here that the establishment of dialogue between Belgrade and Pristina remains of fundamental

importance. That is why we welcome initiatives to follow up the provisions of the report of the Secretary-General of 24 November 2008 (S/2008/692), which have consisted of maintaining ongoing contacts at the highest political level with the authorities in Belgrade and Pristina. We also welcome the appointment of a Coordinator and the creation of a team tasked with considering technical aspects of issues with both sides. We hope that all of these initiatives will lead to consensus solutions.

Finally, I should like to voice our hope of seeing Kosovo become a safe place for all of its inhabitants, where the norms of democracy, rule of law, protection of human rights, protection of minority rights, as well as good governance, are fully implemented. To that end, I congratulate and encourage all actors working in the field for the stability of Kosovo.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): I would like to begin by welcoming the presence here of President Tadić of the Republic of Serbia and of Minister Hyseni of the Republic of Kosovo. I would also to thank Mr. Zannier for his briefing on the report of the Secretary-General (S/2009/149).

For Costa Rica, the development of the situation in Kosovo should be seen in the context of a process that leads to a peaceful settlement of the dispute engendered by the declaration of independence by the Kosovar authorities. In this sense, Costa Rica welcomes the reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK), in accordance with the statement we adopted in November (S/PRST/2008/44).

Likewise, the creation of the Kosovo Police, in compliance with the constitutional precepts adopted in June, is a step towards order that should be perceived not as a threat towards any minority, but rather as an opportunity to build inter-ethnic institutions that contribute to peace.

The deployment of the European Union-led peacekeeping force (EUFOR) and its achievement of full operational capacity with respect to the rule of law in the framework of resolution 1244 (1999) are milestones in a process that should lead to the creative and productive coexistence of all communities in Serbia and in Kosovo.

For my delegation, the ongoing obstacles to this coexistence are cause for concern. The lack of understanding between groups of different ethnic origin can be overcome only by the efforts of both Governments. Costa Rica avails itself of the opportunity provided by the presence of President Tadić and Minister Hyseni to call on the Governments of Serbia and Kosovo to work to ease these natural tensions arising from the painful events of recent years. Only the development of mutual respect and the fruits of peaceful coexistence can provide the basis for a coexistence that benefits the communities of Serbia and Kosovo.

I would like to conclude by recognizing once again the work of UNMIK and the cooperation that EUFOR provides to the international community in order to establish a lasting peace in the Balkans. We are certain that continued European assistance will also contribute to the prosperity of the peoples in that region.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): China would like to begin by thanking Mr. Zannier, Special Representative of the Secretary-General for Kosovo, for his briefing, and to commend the effort by him and the United Nations Interim Administration Mission in Kosovo (UNMIK), which he leads, to maintain peace and stability in Kosovo and the Balkans. We also listened carefully to the statements made by Mr. Boris Tadić, President of the Republic of Serbia, and by Mr. Hyseni.

During the past four months, the security situation in Kosovo has remained substantially stable, but there has still been tension in some parts of Kosovo. In particular, there have been violent clashes in Mitrovica. It is China's hope that all parties will examine the relevant issues from a broader and longer-term perspective and intensify dialogue to maintain peace and stability in the region.

China has also noted that the report of the Secretary-General (S/2009/149) mentions in particular a sharp decline in the number of voluntary returns of members of minority communities. We are very much concerned about that situation. China calls for the parties concerned to coordinate their efforts to create an environment favourable to the voluntary return of the members of minority communities.

China is of the view that all parties should uphold the purposes and principles of the Charter of the United Nations and Security Council resolutions, and respect

the sovereignty and territorial integrity of all countries, including Serbia.

China has always maintained that the best way to resolve the issue of Kosovo is through a negotiated settlement acceptable to both Serbia and Kosovo. We encourage all parties to seek such a compromise settlement through negotiations.

Almost 10 years ago, the Security Council adopted resolution 1244 (1999), which serves as the legal basis for the settlement of the question of Kosovo. During the past nine years, there have been some changes in the situation in Kosovo, but the foundation for implementing resolution 1244 (1999) remains unchanged. UNMIK should continue to fulfil its mandates. China also notes that the report of the Secretary-General mentions that the reconfiguration of UNMIK has been accelerated in order to enable its functions to be adapted to the changing situation on the ground. While valuing highly the relevant proposals by the Secretary-General about the reconfiguration of UNMIK, we believe that the adjustments undertaken by the Mission should be technical in nature. It should not touch on the status of Kosovo or compromise the United Nations neutrality. The issue of Kosovo remains an important item on the agenda of the Security Council.

We have taken note of the commitment of the European Union Rule of Law Mission in Kosovo (EULEX) to comply with resolution 1244 (1999), as well as of the fact that it has submitted a report on its recent activities. We hope that EULEX will continue to act pursuant to that resolution, assume its responsibilities under the United Nations umbrella and support the work of UNMIK in playing a positive role to maintain peace and stability in the region.

Mr. Bui The Giang (Viet Nam): I thank you, Mr. President, for convening this meeting on the activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) over the past four months. I also thank Mr. Lamberto Zannier, Special Representative of the Secretary-General, for his important briefing in that connection. My delegation also welcomes the participation of His Excellency Mr. Boris Tadić, President of the Republic of Serbia, in today's meeting of the Security Council. We thank him for his statement of the situation on the ground. We also acknowledge the presence of Mr. Skender Hyseni at this meeting and thank him for his statement.

We have taken note of the overall stable security situation in and around Kosovo during the reporting period. We are, however, concerned about the information provided by the Secretary-General in his report (S/2009/149) that, in comparison with previous years, the number of voluntary minority returns to Kosovo has declined sharply and that it remains disappointing. It is imperative to promptly and adequately address this issue, including in particular the non-implementation of the reintegration strategy for forced returnees, as well as to ensure real progress in safeguarding the rights and security of national minorities so as to avoid exacerbating inter-ethnic mistrust and tension, as was the case in the region of Mitrovica.

With regard to the administration of northern Kosovo, we commend UNMIK's efforts to engage with all sides to facilitate the implementation of the Secretary-General's six-point plan, which covers the areas of the police, the judiciary, boundary management, the protection of religious facilities, transportation and customs. While, as the report indicates, there have been some positive results with regard to the six points, others will require greater political will and good-faith efforts. Given the fragility of the situation in the region, we are mindful that the possibility of a collapse of the six-point plan remains high and that the loss of momentum could leave the underlying tensions between Serbs and Albanians open to manipulation by spoilers. We therefore believe that it is essential for UNMIK to continue its active presence and for both Belgrade and Pristina to implement the temporary arrangements in the six areas until relevant follow-up mechanisms have been put in place to maintain peace and stability on the ground.

Against that backdrop, and while reiterating Viet Nam's position in support of the independence, sovereignty and territorial integrity of the Republic of Serbia, my delegation shares and supports the Secretary-General's view that UNMIK will continue to work towards the advancement of regional stability and prosperity, based on its continued mandate under resolution 1244 (1999), in close coordination with the Organization for Security and Cooperation in Europe and the Kosovo Force and in cooperation with the authorities in Belgrade and Pristina. Among its main functions, the facilitation of dialogue between Pristina and Belgrade should be underscored.

With regard to UNMIK's reconfiguration of the rule of law sector, we recognize its accelerated efforts in consultation with the main stakeholders on the ground, as well as the gradual and smooth assumption of operational responsibility by the European Union

Rule of Law Mission in Kosovo (EULEX) in that area, in line with the Security Council's presidential statement of 26 November 2008 (S/PRST/2008/44). We acknowledge EULEX's readiness to participate alongside UNMIK in the discussions related to rule of law issues. At the same time, we wish to emphasize that the reconfiguration of UNMIK should be conducted with transparency and in accordance with the United Nations position on strict neutrality with regard to Kosovo's status.

We would also like to underscore that the coordinated effort being undertaken by UNMIK and EULEX at this critical juncture, with the support of both Belgrade and Pristina and all international stakeholders, is of great importance to the maintenance of peace and stability in Kosovo and to the interest of all communities thereof. For this to become a reality, EULEX, which works under the general framework of resolution 1244 (1999), should continue to honour its commitment to operate under the overall authority and within the status-neutral framework of the United Nations and to take into account the specific circumstances and concerns of all communities.

Ms. DiCarlo (United States of America): I, too, would like to welcome back to the Council President Tadić and Foreign Minister Hyseni, as well as to thank them for sharing their perspectives on the region with us today. I would also like to welcome Special Representative Zannier and to express our support for his ongoing work to reconfigure the United Nations mission in Kosovo in accordance with the report (S/2008/692) of the Secretary-General of last November. The United States commends the Special Representative's dedication and productive cooperation with other multilateral and bilateral stakeholders in Kosovo.

As the Secretary-General's latest report (S/2009/149) indicates, Kosovo continues to expand its institutional framework under the Constitution promulgated in June 2008. That Constitution is second to none in its protection of the rights of all communities and of cultural heritage. Kosovo has enacted more than 50 laws to put those constitutional principles into practice, all of them consistent with the plan proposed by former United Nations Special Envoy Marti Ahtisaari, which has served as a blueprint for Kosovo's developing democracy. Kosovo has established a foreign ministry, a national security council and a process to privatize major public firms to ensure greater accountability and resources. The United States congratulates the people and Government of Kosovo on those achievements.

Kosovo's independence is irreversible. Fifty-six Members of the United Nations, including nine members of the Security Council, have now recognized the Republic of Kosovo as an independent State. With the rise of a truly self-governing Kosovo, UNMIK's presence has been substantially reduced and the European Union has stepped forward as Kosovo's primary international adviser. The United States encourages efforts to reduce further UNMIK's presence in Kosovo in the light of those changes.

We welcome the important role of the European Union Rule of Law Mission in Kosovo (EULEX), and note the encouraging progress report that it has provided. We are particularly pleased that EULEX police and court officials have deployed and been accepted throughout Kosovo and that the Mission is on track to reach its full operational capacity. The Kosovo Government, of course, has the primary responsibility for the rule of law, but we welcome EULEX's efforts to assist the Government in exercising those functions. We all share a common goal — to see the rule of law throughout the territory of Kosovo strengthened and upheld in a uniform, transparent and professional manner.

For Kosovo's multi-ethnic democracy to succeed fully, the cooperation and active participation of the country's Serbs are simply essential. We hope that EULEX will continue to discuss practical issues — police, justice and customs — with the representatives of Kosovo's Serb community, the Government of Serbia and the Government of Kosovo. We welcome the statements by Belgrade authorities of their readiness to cooperate with EULEX and to continue their dialogue with the European Union.

We note with regret, however, the continuing support of the Government of Serbia for parallel structures in Kosovo. We urge the Belgrade authorities to encourage full interaction between Kosovo's Serb and Albanian communities, in particular by allowing Serb police to return to their positions in the multi-ethnic Kosovo police force.

Security is important, and my Government condones the continued efforts of NATO in Kosovo both through its peacekeeping force, KFOR, and its assistance in launching the Kosovo Security Force. That new force, with a mandate to handle civilian protection, emergency response and removal of explosive ordinance, is open to all Kosovo's ethnic

communities. NATO's supervision of the Force will help to ensure that it conducts itself according to the highest standards worthy of a democratic, multi-ethnic and civilian-controlled security institution.

President Tadić referred to the period March to June 1999, when NATO countries felt obliged to take action. The International Criminal Tribunal for the Former Yugoslavia recently issued a 2,900-page decision with findings regarding that period. The decision has detailed findings that the Government of Yugoslavia engaged in implementing a State policy of forcing ethnic Albanians out of Kosovo by the hundreds of thousands, killing some in the process. That is the legacy of 1999. It will not help Serbia to overcome the legacy by overlooking it.

We have witnessed significant changes in the Western Balkans over the last 10 years as countries of the region one by one move closer to taking their place in the Euro-Atlantic community. In that regard, we would like to commend President Tadić on the progress that Serbia has made in advancing reforms and removing obstacles to its path towards the European Union. The United States supports Serbia's aspirations for a European future and offers our continued cooperation in that regard.

Finally, we know that Kosovo still faces many challenges and that the region still needs our support. Stability in South-Eastern Europe is a high priority for the United States. We will continue to work with Kosovo, Serbia and other countries in the region to promote lasting peace and prosperity and to enhance the European and Euro- Atlantic prospects.

The President (*spoke in Arabic*): I shall now make a statement in my capacity as the representative of the Libyan Arab Jamahiriya.

At the outset, I would like to add my voice to those earlier speakers who welcomed His Excellency Mr. Boris Tadić, President of the Republic of Serbia. I would also like to welcome Mr. Skender Hyseni and extend my thanks to Mr. Zannier, the Special Representative of the Secretary-General, for the briefing that he presented on the latest developments in Kosovo.

We realize that the situation in Kosovo has undergone drastic changes and found a new reality that supports the United Nations Interim Administration Mission in Kosovo (UNMIK) in undertaking its role in line with resolution 1244 (1999). That makes it necessary for UNMIK to adjust its mandate to the new changes and developments, in conformity with resolution 1244 (1999), particularly given the remark made by the Secretary-General in paragraph 4 of his report (S/2009/149) that many Kosovo Albanians are of the view that UNMIK has achieved its goals.

In that regard, we welcome the acceptance by the Serbian authorities and Kosovo Serbs of the deployment of the European Union Rule of Law Mission. Also, we commend the reconfiguration of UNMIK and the uneventful deployment of the European peace mission, and we hope that all parties will continue their cooperation with the European mission in coordination with UNMIK, in accordance with the presidential statement of the Security Council of 26 November 2008 (S/PRST/2008/44).

We also welcome the readiness by the two parties to resume dialogue and to engage in discussions at the technical level. We also understand the positions of each party and we hope that those efforts to implement the temporary arrangements and the six mutual provisions specified by the Secretary-General in his letter to President Tadić of the Republic of Serbia of 12 June 2008 (*S/2008/354, annex I*) — police, courts, Customs, transportation and infrastructure, boundaries and Serbian patrimony — will continue.

We would like to emphasize the need for the Mission to continue its dialogue with all parties on all practical issues. While we welcome the stabilizing of the security situation, we are concerned at the divergence in views between the Kosovo Albanians and the Kosovo Serbs and the series of inter-ethnic incidents, as mentioned in paragraph 9 of the Secretary-General's report. That may affect the independence of Kosovo in the long term.

Therefore, we call on all parties to exert further efforts towards co-existence and harmony and keeping open the channels of constructive dialogue and cooperation and to avoid confrontation and violence. Also, we would like to assert the need for the return of all internally displaced persons and to protect them and religious and cultural sites in trying to find common ground for the maintenance of stability and peace in the Balkan region.

I now resume my functions as president of the Council.

I now give the floor to His Excellency the President of the Republic of Serbia for a further statement.

Mr. Tadić (*spoke in Serbian; English interpretation provided by the delegation*): I strongly condemn all crimes committed in 1999. Today, 10 years later, every Albanian person who lived in Kosovo still lives there. Two hundred thousand Serbian people do not live there any longer. Is this going to be the legacy of the policy of 1999? That is my question to the Council.

Serbia is a democracy. After October 2000, when we defeated the Milosevic regime, we established democracy in our country. We respect the rule of law and minority rights, but at the same time we are protecting the integrity and sovereignty of our State, like every Member State of the United Nations. For that reason, we are going to continue our efforts to establish the rule of law, peace, democracy and the highest standards for all nationalities and citizens of my country.

In response to the intervention by the representative of the United Kingdom: I am not making up my own definition of the remit of the United Nations Interim Administration Mission in Kosovo (UNMIK) and the European Union Rule of Law Mission in Kosovo (EULEX); I am only reading the report of the Secretary-General dated 24 November 2008 (S/2008/692), which was endorsed by the Security Council. In the report, it is crystal-clear that UNMIK and EULEX are to work in Kosovo under resolution 1244 (1999) and that they have to take a neutral position regarding Kosovo's status.

The presence of the United Nations and EULEX in Kosovo is crucially important to Serbia. That is why I must stress that we expect UNMIK always to be represented at the regional meetings in which Serbia participates. I cannot understand the logic whereby EULEX would forbid a United Nations presence at our meetings. That is unacceptable to Serbia. And I cannot understand why the United Nations would accept such a position. We must work together, not squeeze one another out. We need each other: we want to successfully resolve difficult problems, and in order to solve such problems, we need each other.

Very briefly, I should like to make a few comments. Stopping Serbian officials on the Administrative Boundary Line is extremely dangerous and disturbing. It must end. Today, the Mayor of Belgrade, the capital of Serbia, was stopped and prevented from delivering humanitarian aid to Serbian villages in Kosovo. If we do not find a systematic solution to that issue, we will have many difficulties, and we must avoid that.

In Serbia's view, the six-point plan proposed by Secretary-General Ban Ki-moon must be fully implemented. First of all, it is a decision of the Security Council, and secondly, it will help everyone in Kosovo to establish normal conditions.

The Kosovo Security Force is completely unacceptable to Serbia; it represents a paramilitary organization that violates resolution 1244 (1999) and the Kumanova Military-Technical Agreement. The Force, which represents a challenge to regional stability, should be dismantled. That is the position of Serbia. Serbia's proposal for Kosovo was demilitarization, not the creation of a new paramilitary security force.

With regard to free trade in the region, we signed the Central European Free Trade Agreement (CEFTA), which defines our obligations and our cooperation in the economic sector. We established a free trade zone in the former Yugoslavia and the Western Balkans, which includes Albania and Moldova. Unfortunately, the Pristina representative has tried to mislead the Council by saying that Serbia is blocking trade with the province. That is simply not true. Serbia remains ready to implement free trade commitments as defined by CEFTA. UNMIK-Kosovo is a party to CEFTA, and we will continue trading with it. But we cannot accept unilaterally designed customs forms entitled "Republic of Kosovo"; we must engage and find a solution. That is very important to Serbia, and it is our official position.

Finally, I thank Council members for their presentations. Serbia will continue all its efforts to establish peace and find a democratic solution for the region. Serbia will be the cornerstone of stability in the Western Balkans and make efforts to become a State member of the European Union. But that does not mean that Serbia will give up its legitimate interests.

The President (*spoke in Arabic*): I thank President Tadić for his statement.

I now call on Mr. Skender Hyseni, who has requested the floor to make a further statement.

Mr. Hyseni: I asked to make a second intervention because I deem it necessary to react to some of the points made by President Tadić.

Listening to Mr. Tadić, one gets the impression that the Republic of Serbia is the sole victim of all the

wars and horrible tragedies caused throughout the former Yugoslavia by the regime of the Republic of Serbia. Listening to Mr. Tadić, one gets the impression that 10,000 Croats have not been slaughtered and that 200,000 Bosnians have not been slaughtered. One gets the impression that close to 15,000 Kosovar Albanians have not been slaughtered and that close to 1 million Kosovar Albanians have not been deported to Macedonia, Albania or Montenegro. Listening to President Tadić, one gets the impression that everyone is to blame except the Serbian State, the Serbian regime.

I will start by once again condemning, on behalf of the Republic of Kosovo, the events of 17 March 2004. I invite the Council's attention to the statement made by the Government of the Republic of Kosovo on 17 March this year.

Hundreds of mosques and churches were destroyed during the wars in the former Yugoslavia. In times of conflict, religious sites very often become either deliberate targets or targets of indiscriminate fire. And there is no justification for any action on the part of anyone against sacred objects or religious sites.

However, Mr. Tadić failed to take stock or to present an account of how many mosques have been destroyed and how many Albanian Catholic churches have been destroyed. He failed to state how many casualties have been caused. I would just remind the Council of a number of key events that preceded, triggered, prompted the NATO intervention: the massacre of the Yashari family, the Racak massacre and the widespread repression of the civilian Albanian population throughout Kosovo. Hundreds of thousands of Albanians who had socially owned jobs with socially owned enterprises were forced out of their jobs. All Albanian students were forced out of their schools. President Tadić came up with the figure of 200,000 Serbs forced out of Kosovo. According to the population censuses conducted by the Serbian regime, at the most, there were only ever 197,000 Serbs living in Kosovo. We still have over 130,000 Serbs living in Kosovo.

I say this with reluctance, but to say that all Albanians are still living in Kosovo but Serbs are not begs the simple question: Are the 12,000 to 15,000 Albanians who were killed during the war really still living in Kosovo? What about the 2,000 missing Kosovar Albanians? Why is the Government of Serbia not offering information to the panellists? At least 100,000 Kosovar Albanians are directly affected. Why do they have no idea of the whereabouts of their loved ones?

Justice is independent in Kosovo. The new Kosovo, the Republic of Kosovo, is committed firmly to preserving, protecting and honouring the independence of our justice system. It is entirely up to the courts, be it our national courts or the international courts, to decide who will be convicted or not convicted. I am not a judge and I am not going to convict anyone a priori.

Kosovo is going through an important, challenging period in many ways. Its economy is one of the key challenges, and we are striving very hard to build our market-oriented economy on the basis of the highest standards known in the world.

Again, reference was made to some sort of mafia in Kosovo. I wish to tell this Council that not everybody in Kosovo is an angel, on any side, but the very core of organized crime, of smuggling of all sorts, and trafficking of all sorts is in the North because of the lawlessness there and the support of the Serbian authorities to those parallel structures.

Being very cognizant of the value of the Council's time, I will wrap up by pointing out very clearly once again that we remain ready to work with the European Union Rule of Law Mission in Kosovo, the International Civilian Office and the international community in general to advance Kosovo's prospects for the future.

We also remain very open to talking to Serbia on many issues of common interest. We have many issues to discuss together, to resolve and to work on together for the benefit of regional peace and safety and for the benefit of our joint European perspective.

It is very easy to refer to the past, and as long as we do so with the intention of learning lessons for building a better future, it is worth it. But we in Kosovo are committed to putting the past behind us and working for the benefit of the future. We are not going to forget the many casualties. We are not going to forget what we have been through. My family and I, like every other family in Kosovo, have lived through the horrors of war, suppression, oppression and crimes by the military, paramilitary and police forces of the Republic of Serbia. It was a State-planned and State-sponsored crime — a crime against humanity carried out by the State.

The President (*spoke in Arabic*): Mr. Boris Tadić has asked for the floor. I now give him the floor.

President Tadić (Serbia) (*spoke in Serbian; interpretation provided by the delegation*): I will be very brief in my concluding remarks. The conflict between the Serbs and the Albanians has a long history. It burdened practically the entire past century and did not begin with the advent of Milosevic to power. It did not begin in 1999, and the request for the independence of Kosovo did not come about because of the war in 1999 or its victims. This request dates back many years. It was expressed in the 1960s and the 1980s, long before the war, by the demonstrations in Pristina.

Accordingly, there was a political plan for the establishment of the independence of Kosovo, which was realized following a terrible humanitarian catastrophe. That catastrophe was experienced not only by the Albanians, but also by the Croats, Bosnians and Serbs in the territory of the former Yugoslavia. Every nation had its victims, and I do not forget those victims, not only among my people, but among all peoples. That is why I am the only President in the region to have extended my apologies to all the peoples of the region, expecting the same apology to also be extended to the Serbs.

We want peace and stability in the entire region, but peace and stability will not be possible without Serbia's participation in the process. As a democratic country, Serbia is resolved to pursue peace and stability within the framework of the United Nations. In that process, we see a role for the United Nations Interim Administration Mission in Kosovo (UNMIK) and the deployment of the European Union Rule of Law Mission in Kosovo (EULEX). Both UNMIK and EULEX are welcome, and without them it would not be possible to establish peace and stability.

For its part, Serbia will respect the values and high standards defined by the United Nations, while pursuing its approach to finding a solution to the future status of Kosovo in accordance with international law. This is the position of Serbia.

We spoke today of the cultural and historical sites that were destroyed in the former Yugoslavia. I would like to point out once again that each act of destruction had its own perpetrator. There are no guilty peoples, only guilty individuals, and that is why Serbia continues to cooperate with The Hague Tribunal and expects others to complete their cooperation with the Tribunal.

The President (*spoke in Arabic*): I now give the floor to Mr. Hyseni a second time. I do ask him, however, to be concise.

Mr. Hyseni: I apologize, but this just came to mind. When the Secretary-General appointed former Finnish President Martti Ahtisaari to lead a political process on the final status of Kosovo, this Council set a number of objectives based on the presidential statement of the time.

One of the key objectives was to reach a solution on the status of Kosovo that would ensure peace, safety and security in the whole of the region. I can assure the Council that this objective is well on the way to being achieved thanks not only to the overwhelming support we are getting from the international community, but first and foremost to our firm commitment to looking to the future, and in that context to looking to the future also in terms of our relationship with Serbia, our first neighbour to the North.

We are going to seek ways — and we will not quit, we will not give up our efforts — to reach out to the Serb community in Kosovo. We have blueprints to address all of the grievances of the Serb community in Kosovo. We have carefully crafted plans for the reform of local self-governance for the Serb-majority areas. But it is, again and ever again, the Belgrade leadership that is encouraging and even blackmailing and threatening the representatives of the Serb community who wish to work with us for their own benefit in the first instance. So we need the Serb community to work with us. We are ready. We do have plans and we are committed to implementing those plans in detail.

I wish to once again make a plea here, before the Council, to the leadership in Belgrade to talk to us on an equal footing, because there are many issues we can resolve together, but only as two independent and sovereign States. Kosovo is independent. There is no way that Kosovo will ever go back to what it was before.

The President (*spoke in Arabic*): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.15 p.m.